

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

2018 JAN -4 AM 11:32

STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent,

v.

Ernest Williams

(your name)

Appellant.

No. 50234-8-II AP
DEPUTY

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

I, Ernest Williams, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

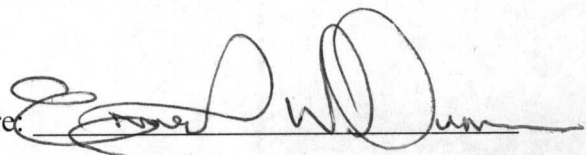
Whether The State Use AKA IN The Jury
Verdict Form To Convict Ernest Lee Williams
of a name not Found in his history?
The State Did not use This Tactic During any
of Mr. Williams Proceeding. Such as Pre-Trial
Hearing. The Verdict For Read Ernest Lee Williams Jr.
I have never been a Jr. or Did I Ever use Jr before.

Additional Ground 2

Whether Mr. Williams Attorney State To The
Jury in closing Argument That Williams was guilty
of Resisting Arrest, whereas Williams ~~to~~ pleaded
Not guilty to all charges.

If there are additional grounds, a brief summary is attached to this statement.

Date: 12/22/17

Signature: 

Ground # 3

State OF Washington

vs

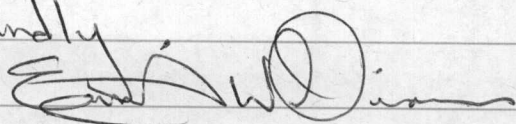
Ernest Lee Williams

NO 16-1-03429-4

CASE NO. 50234-8-II

ON, 8/25/16 Mr. Williams was charged with Cause # 16-1-03429-4, Mr. Williams Requested a Speedy Trial which was set for 10/18/16, on the day of 10/18/16 The State Requested a Continuance Past Mr. Williams Speedy Trial Right(s) of 10/31/16 CCR 3.3 Mr. Williams Timely made and objection, For the Reason stated, need more time to have the drugs tested. The court finding good cause for a continuance, and set the commencement date at 10/31/16 with 30 days left for time remaining for trial, making the expiration date Nov, 30th 2016. Mr. Williams made a timely objection 3.3 on October 31st 2016 The State Requested a 79 days continuance violating the commencement date of ~~Nov 30~~ 10/31/16. Mr. Williams objected CCR 3.3, The court noted Mr. Williams objection. Clearly The court can take exception and Reverse and Dismiss Charges.

Thank you kindly



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,)
Plaintiff,) Superior Court
vs.) No. 16-1-03429-4
ERNEST LEE WILLIAMS,) Court of Appeals
Defendant.) No. 50234-8-II

VERBATIM REPORT OF PROCEEDINGS

October 3, 2016
Pierce County Superior Court
Tacoma, Washington
Before the
HONORABLE MICHAEL E. SCHWARTZ

Raelene Semago
Official Court Reporter
930 Tacoma Avenue
334 County-City Bldg.
Department 3
Tacoma, Washington 98402

REPORTED BY: RAELENE SEMAGO, CCR, RPR, CMRS

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A P P E A R A N C E S

FOR THE PLAINTIFF:

CLAIRE VITIKAINEN
Pierce County Prosecutor's Office
930 Tacoma Avenue South, Rm. 946
Tacoma, Washington 98402-2171

FOR THE DEFENDANT:

JONATHAN R. MORRISON
Attorney at Law
1014 Bay Street, Suite 4
Port Orchard, Washington 98366

APEARANCES

2

BE IT REMEMBERED that on Monday, October 3, 2016, the above-captioned cause came on duly for hearing before the HONORABLE MICHAEL E. SCHWARTZ, Judge of the Superior Court in and for the County of Pierce, State of Washington; the following proceedings were had, to wit:

<<<<<< >>>>>>

MS. VITIKAINEN: Your Honor, this is State of Washington vs. Ernest Williams, Cause No. 16-1-03429-4. The Defendant is present in custody represented by counsel. Claire Vitikainen on behalf of the State.

Your Honor, we are here today for purposes of an omnibus hearing and motion to continue. We are handing forward omnibus paperwork that has been signed by all parties.

The State has not yet received a drug test result. This case is currently set for the 18th of October. So what the State is asking to do is to set this trial from the 18th of October to the 27th of October, adding just ten more days to the current trial setting so that some additional time can be given for the drugs to be completed -- well, for the drugs to be tested. I don't recall and I don't have a copy of the email. It was my

OMNIBUS HEARING/MOTION TO CONTINUE
Williams - October 3, 2016

3

request, and it was within the last week or so that the State made this request, but I'm not clear on the specific date. The case is 38 days old with no prior continuances. It's my understanding that the Defendant is not in agreement with any continuances.

THE COURT: The 27th already has over 50 jury trials set that day. So can you look at the 31st?

MR. MORRISON: Before the Court grants a new trial date --

THE COURT: I'm not granting anything yet. I'm just figuring out an appropriate date. Okay. So if the Court grants a continuance it would have to be either just prior to that, the 25th, or after that, the 31st based on the numbers.

MS. VITIKAINEN: I would ask for the 31st, Your Honor. I'm not sure how long it's going to take the lab to get to this.

THE COURT: Okay. Counsel.

MR. MORRISON: If I may, Your Honor, the Defendant is objecting to a continuation of the trial date. We haven't asked to independently test any of the alleged methamphetamine. The State may be a little premature. The test could come in tomorrow or the next day. I would ask the Court to leave it on for the trial date that we are currently scheduled at, and if it comes

OMNIBUS HEARING/MOTION TO CONTINUE
Williams - October 3, 2016

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1 in, then we are prepared to go. I don't believe that
2 there is any reason to go beyond his speedy trial rights
3 at this point in time, and the dates after that seem to be
4 more filled than the day that we are currently set for.

5 THE COURT: Ms. Vitikainen.

6 MS. VITIKAINEN: I don't have anything to add,
7 Your Honor. I don't have any information from the lab
8 about when they could get this tested.

9 THE COURT: Okay. Based on the
10 representations made by counsel, I'm going to -- I'm going
11 to grant the request to continue this to the 31st of
12 October. I'm finding good cause for a continuance. That
13 will be the new commencement date, with 30 days left for
14 time remaining for trial, making the expiration date
15 November 30th.

16 As far as you know at this point,
17 Ms. Vitikainen, for witnesses and the like --

18 MS. VITIKAINEN: I have no idea, Your Honor.
19 This was the first trial setting.

20 THE COURT: I understand. Understand, though,
21 that it's likely that Mr. Williams is going to object to
22 any further continuances.

23 MS. VITIKAINEN: I understand.

24 THE COURT: Okay.

25 MR. MORRISON: And we have signed off on the

OMNIBUS HEARING/MOTION TO CONTINUE
Williams - October 3, 2016

5

1 Court's order.

2 THE COURT: And Mr. Williams, I have noted
3 your objection for the record, sir.

4 THE DEFENDANT: Thank you, Your Honor.

5 THE COURT: All right. Thank you, folks. I
6 have signed your order.

7 (Proceedings concluded.)
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OMNIBUS HEARING/MOTION TO CONTINUE
Williams - October 3, 2016

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1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
2 IN AND FOR THE COUNTY OF PIERCE

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5 STATE OF WASHINGTON, }
6 Plaintiff, } Superior Court
7 vs. } No. 16-1-03429-4
8 ERNEST LEE WILLIAMS, } Court of Appeals
9 Defendant. } No. 50234-8-II

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11 REPORTER'S CERTIFICATE
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17 STATE OF WASHINGTON }
18 COUNTY OF PIERCE } ss

19 I, Raelene Semago, Official Court Reporter in the
20 State of Washington, County of Pierce, do hereby certify
21 that the forgoing transcript is a full, true, and accurate
22 transcript of the proceedings and testimony taken in the
23 matter of the above-entitled cause.

24 Dated this 2nd day of October, 2017.

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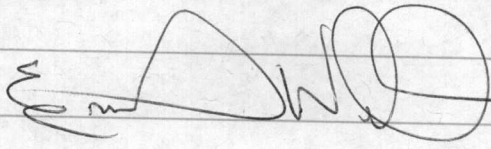
Cause # 16-1-03429-4
CASE # NO 50234-8-II

on 9/18/17 Kitsap Court Ran Cause # 16-1-00794
Concurrent To Cause # 16-1-03429-4.
Mr. Williams Does not have Dosa as
of 9/18/17. The Pierce County Court
(16-1-03429-4) Did not Run 16-1-03429-4
To consecutive To a Dosa REVOKE

That Box was not marked. Mr. Williams
was not giving any of his credit For Cause
16-1-03429-4.

Mr. Williams was never classify ~~for~~ until
9/27/17 by counselor DUNN, J. ce 3. and (Kitsap matters)
Mr. Williams is still waiting To be
Classify ON Cause # 16-1-03429.

Should Mr. Williams be entitle To his
Credits Now that Mr. Williams has Max
out his Dosa? and his Sentence is
Running Concurrent without any Classification.

Sign 

Name: Williams, E DOC 965585

Counselor Dunn, J, CC3

Dated 9/27/17
6:30 PM

- You were sentenced to a total of 24 months, 0 days. The county awarded you with 121 days of jail time credits and 40 good time days.
- Your tentative release date is 9/22/18. Max date 7/20/19.
- Your custody level is MI Z (camp) Your custody score is 52 points.
- You requested placement at _____.
- Headquarters will make the decision on your facility placement. You may contact your counselor by kiosk or kite after 2 Weeks to inquire about Headquarters' classification decision.

If you wish to appeal Headquarters' classification decision, send a written notice via U.S. mail, in an envelope clearly marked "Classification Appeal" to: Administrator - Classification and Case Management; P.O. Box 41149 Olympia, WA 98504-1149.

Note: Classification decisions cannot be appealed until AFTER Headquarters has made a classification decision. Offenders can appeal Custody assignment, NOT facility placement.